

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

JOHN DOE #1, an individual, JOHN
DOE #2, an individual, and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as
Secretary of State of Washington,
BRENDA GALARZA, in her official
capacity as Public Records Officer for the
Secretary of State of Washington,

Defendants.

NO. 09-cv-05456-BHS

**JOINT PROPOSED
SCHEDULING ORDER**

The parties conducted a Rule 26(f) conference on Friday, August 20, 2010, and have agreed to the following schedule and changes to the discovery process:

1. Initial Disclosures

Pursuant to FRCP 26(a)(1)(A), the name, address, and phone number of each individual who will be or may be called as a witness or declarant by the plaintiffs, or is likely to have discoverable information – along with the subjects of that information – will be disclosed on August 23, 2010. Witnesses not disclosed at

1 that point will not be permitted to testify in person, by declaration or affidavit, or
2 otherwise.

3 **2. Confidentiality**

- 4 • With the exception of witnesses that have already openly appeared in this
5 case, the parties agree to treat the identity of any witness disclosed by the
6 plaintiffs on August 23, 2010, as confidential for up to 15 calendar days. If
7 the Plaintiffs file a motion during that time period to require that the names
8 be kept confidential, the names will not be disclosed until the Court has
9 heard and ruled on the motion. If a motion to keep the names confidential
10 is not filed within 15 calendar days, the names will no longer be
11 confidential.
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- 13 • Plaintiffs agree not to file any motion requesting that the Court reconsider
14 the order granting intervention prior to the filing of their anticipated
15 motion to seal the witness lists. Plaintiffs may file any motion requesting
16 that the Court reconsider the order granting intervention concurrently with
17 the filing of their anticipated motion to seal the witness lists.
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19 **3. Discovery**

- 20 • Discovery will be completed by October 22, 2010.
- 21 • Answers to Interrogatories must be served within 14 days of the date the
22 Interrogatories are received. Service will be performed, and accepted,
23 electronically as well as by mail or in person.
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- Pursuant to FRCP 30(a), if the number of individuals named as potential witnesses or declarants exceeds 10, the parties stipulate to permitting depositions of all individuals named in the Initial Disclosures.
- Given the expedited discovery schedule, the parties and counsel will make availability for depositions their first priority, and work cooperatively in scheduling prompt depositions.

4. Rebuttal Witnesses

Defendants will disclose all rebuttal witnesses and declarants on October 7, 2010. Witnesses not disclosed by the Defendants at that point will not be permitted to testify in person, by declaration or affidavit, or otherwise.

5. Status Conference

The parties respectfully request that the Court set a status conference in early November to discuss the briefing and logistics for the hearing.

IT IS SO ORDERED.

DATED this _____ day of August, 2010.

Judge Benjamin H. Settle

1 Presented by:¹

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¹ All signatories have e-mailed their consent to this proposed scheduling order.